IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 5TH OCTOBER 2006 / 13TH ASWINA 1928

Bail Appl..No. 5825 of 2006(P)

CRIME NO.579/2006 OF KOTTIYAM POLICE STATION

PETITIONERS:

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1. PRAMOD BABU, S/O. SURESH BABU,
   RESIDING AT PROMOD BHAVAN, KOOTIKADA P.O.,
   THATTAMALA, KOLLAM.

2. SANOOJ, S/O. RADHAKRISHNAN,
   RESIDING AT PULLUVAN PARAMBU, KOOTIKADA P.O.,
   THATTAMALA, KOLLAM.

BY ADV. SRI.V.CHITAMBARESH
SRI.T.C.SURESH MENON
SRI.SREEKANTH.K.R
SRI.JIBU P THOMAS
SRI.SUNIL J.CHAKKALACKAL

RESPONDENTS:

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1. THE STATE OF KERALA,
   REPRESENTED BY THE PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA, ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE,
   KOTTIYAM POLICE STATION, KOLLAM.

BY PUBLIC PROSECUTOR JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/10/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 5825/2006

DATED THIS THE 5TH DAY OF OCTOBER, 2006

O R D E R

The petitioners are accused 2 and 3, in crime No.579/2006 of Kottiyam Police Station, Kollam. They are facing the allegation, along with other accused, for the offence punishable under Sections 143, 147, 148, 450, 324, 326, 307, 427 and 506(ii) IPC read with Section 149 IPC.

2. The allegation is that the accused, who are residing at 'Arivalmukke', had gone to the locality of the defacto complainant and other injured persons, with deadly weapons, and having unlawfully assembled being the members of such unlawful assembly, committed rioting and inflicted various injuries. In the occurrence, two persons were very seriously injured. The right hand of one person was cut. There were six incised injures on another person.

3. The learned Public Prosecutor submitted that

these petitioners were absconding, although other accused were arrested. It is also however, submitted by the Public Prosecutor that arrest of the petitioners are necessary, as the recovery of the weapons used by them are to be effected. The counsel for the petitioners, on the other hand, submitted that there is a case as well as counter case regarding the occurrence and there is no specific overt act attributed against these persons. Further submission of the prosecution is that the petitioners are active participants of the unlawful assembly and they were in possession of the weapons and also inflicted injuries.

4. Without discussing the merit of the matter, and considering the facts of this case, I direct the petitioners, accused 2 and 3, to surrender before the Investigating Officer of Kottiyam Police Station, on 11.10.2006 between 9.30 a.m and 10.00 a.m.

5. The Investigating Officer shall interrogate the petitioners and thereafter, produce them before the Court below, on the same day at 4.30 p.m.

6. The learned Magistrate, on production of the

petitioners, accused 2 and 3, shall hear both sides and pass appropriate orders on the bail application(s) that may be filed by the petitioners as well as any application filed by the prosecution and dispose them of, on the same day itself, on merit.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs